

By: Hughes

S.B. No. 2119

A BILL TO BE ENTITLED

AN ACT

relating to state contracts with certain companies that censor their users' speech.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 10, Government Code, is amended by adding Chapter 2275 to read as follows:

CHAPTER 2275. PROHIBITION ON CONTRACTS WITH CERTAIN COMPANIES THAT CENSOR SPEECH

Sec. 2275.0001. DEFINITIONS. In this chapter:

(1) "Interactive computer services company" means an information service, system, or access software provider that provides or enables computer access by multiple users to a server, including a service, system, website, web application, or web portal that provides a social media platform for at least 10,000 users to engage in expressive activity. The term does not include an Internet service provider as defined by Section 324.055, Business & Commerce Code.

(2) "State agency" has the meaning assigned by Section 2251.001.

(3) "User" means a person that posts, uploads, transmits, or otherwise publishes content using an interactive computer services company.

Sec. 2275.0002. PROVISION REQUIRED IN CONTRACT. (a) A state agency may not enter into a contract with an interactive

1 computer services company unless the contract contains a written
2 verification from the company that, during the term of the
3 contract, the company will not block, censor, remove, or otherwise
4 restrict a user's speech.

5 (b) An interactive computer services company may not be
6 considered to have violated Subsection (a) based solely on the
7 adoption by the company of a policy to:

8 (1) restrict access to or availability of content that
9 the interactive computer services company or user of the
10 interactive computer services company reasonably considers to be
11 obscene, lewd, lascivious, filthy, excessively violent, harassing,
12 or otherwise objectionable, regardless of whether that content is
13 constitutionally protected; or

14 (2) enable or make available the technical means to
15 restrict access to content described by Subdivision (1).

16 Sec. 2275.0003. ASSISTANCE FROM ATTORNEY GENERAL. On the
17 request of a state agency, the attorney general shall assist the
18 agency in determining whether an interactive computer services
19 company has engaged in conduct that violates Section 2275.0002(a).

20 SECTION 2. The changes in law made by this Act apply only to
21 a contract entered into on or after the effective date of this Act.
22 A contract entered into before the effective date of this Act is
23 governed by the law in effect immediately before the effective date
24 of this Act, and that law is continued in effect for that purpose.

25 SECTION 3. This Act takes effect September 1, 2021.